

**House File 2147 - Introduced**

HOUSE FILE 2147

BY SALMON and HEARTSILL

**A BILL FOR**

1 An Act relating to the treatment of certain incidents of  
2 human trafficking as child abuse and to mandatory or  
3 permissive reporting of such incidents, and making penalties  
4 applicable.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.68, subsection 2, paragraph a, Code  
2 2018, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (12) The acts or omissions of a  
4 person responsible for the care of a child which allow,  
5 permit, encourage, or require the recruitment, harboring,  
6 transportation, provision, obtaining, patronizing, or  
7 soliciting of the child for the purpose of commercial sexual  
8 activity or forced labor or service as defined in section  
9 710A.1.

10 Sec. 2. Section 232.69, subsection 1, unnumbered paragraph  
11 1, Code 2018, is amended to read as follows:

12 The classes of persons enumerated in **this subsection** shall  
13 make a report within twenty-four hours and as provided in  
14 section 232.70, of cases of child abuse. In addition, the  
15 classes of persons enumerated in **this subsection** shall make a  
16 report of abuse of a child who is under twelve years of age  
17 and may make a report of abuse of a child who is twelve years  
18 of age or older, which would be defined as child abuse under  
19 section 232.68, subsection 2, paragraph "a", subparagraph (3),  
20 ~~or (5), or (12),~~ except that the abuse resulted from the acts  
21 or omissions of a person other than a person responsible for  
22 the care of the child.

23 Sec. 3. Section 232.69, Code 2018, is amended by adding the  
24 following new subsection:

25 NEW SUBSECTION. 4. The department of public health, in  
26 cooperation with the crime victim assistance division of the  
27 department of justice, the Iowa law enforcement academy, the  
28 department of public safety, the attorney general's office,  
29 the department of education, and any other federal, state, and  
30 local governmental agencies and nongovernmental or community  
31 organizations with expertise in human trafficking including  
32 commercial sexual activity or forced labor or service involving  
33 children, shall identify and adopt existing training standards  
34 on the subject of human trafficking involving children  
35 that include curricula on recognizing human trafficking

1 victims, culturally sensitive and age-appropriate methods  
2 for approaching and dealing effectively and appropriately  
3 with trafficking victims and minors who are victims or who  
4 are impacted by human trafficking, and identifying the  
5 appropriate authorities to whom to report potential cases of  
6 human trafficking. Mandatory reporter training required under  
7 this section shall utilize the standards adopted under this  
8 subsection.

9 Sec. 4. Section 232.70, subsection 9, Code 2018, is amended  
10 to read as follows:

11 9. If a report would be determined to constitute an  
12 allegation of child abuse as defined under section 232.68,  
13 subsection 2, paragraph "a", subparagraph (3), ~~or~~ (5), or  
14 (12), except that the suspected abuse resulted from the acts  
15 or omissions of a person other than a person responsible for  
16 the care of the child, the department shall refer the report  
17 to the appropriate law enforcement agency having jurisdiction  
18 to investigate the allegation. The department shall refer the  
19 report orally as soon as practicable and in writing within  
20 seventy-two hours of receiving the report.

21 Sec. 5. Section 232.71B, subsection 1, paragraph a,  
22 subparagraph (1), Code 2018, is amended to read as follows:

23 (1) Upon acceptance of a report of child abuse, the  
24 department shall commence a child abuse assessment when the  
25 report alleges child abuse as defined in section 232.68,  
26 subsection 2, paragraph "a", subparagraphs (1) through (3) and  
27 subparagraphs (5) through ~~(11)~~ (12), or which alleges child  
28 abuse as defined in [section 232.68, subsection 2](#), paragraph "a",  
29 subparagraph (4), that also alleges imminent danger, death, or  
30 injury to a child.

31 Sec. 6. Section 235A.18, subsection 1, paragraph b, Code  
32 2018, is amended to read as follows:

33 b. Data sealed in accordance with [this section](#) shall be  
34 expunged eight years after the date the data was sealed.

35 However, if the report data and the disposition data involve

1 child abuse as defined in [section 232.68, subsection 2,](#)  
2 paragraph "a", subparagraph (3), ~~or (5)~~, or (12), the data  
3 shall not be expunged for a period of thirty years. Sealed  
4 data shall be made available to the department of justice upon  
5 request if the prosecutor's review committee is reviewing  
6 records or if a prosecuting attorney has filed a petition to  
7 commit a sexually violent predator under [chapter 229A](#).

8 Sec. 7. Section 280.17, subsection 1, Code 2018, is amended  
9 to read as follows:

10 1. The board of directors of a school district and the  
11 authorities in charge of a nonpublic school shall prescribe  
12 procedures, in accordance with the guidelines contained in  
13 the model policy developed by the department of education in  
14 consultation with the department of human services, and adopted  
15 by the department of education pursuant to [chapter 17A](#), for  
16 the handling of reports of child abuse, as defined in section  
17 232.68, subsection 2, paragraph "a", subparagraph (1), (3), ~~or~~  
18 (5), or (12), alleged to have been committed by an employee or  
19 agent of the public or nonpublic school.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with  
22 the explanation's substance by the members of the general assembly.

23 This bill treats certain incidents of human trafficking  
24 as child abuse under Code chapter 232, modifies related  
25 requirements for mandatory reporters of child abuse, and makes  
26 penalties applicable.

27 To the definition of "child abuse" or "abuse", the bill  
28 adds "the acts or omissions of a person responsible for the  
29 care of a child which allow, permit, encourage, or require the  
30 recruitment, harboring, transportation, provision, obtaining,  
31 patronizing, or soliciting of the child for the purpose of  
32 commercial sexual activity or forced labor or service" as  
33 defined in Code section 710A.1.

34 Under Code section 710A.1, "forced labor or services" means  
35 labor or services that are performed or provided by another

1 person and that are obtained or maintained through causing or  
2 threatening to cause serious physical injury to any person;  
3 physically restraining or threatening to physically restrain  
4 another person; abusing or threatening to abuse the law or  
5 legal process; or knowingly destroying, concealing, removing,  
6 confiscating, or possessing any actual or purported passport or  
7 other immigration document, or any other actual or purported  
8 government identification document, of another person.

9 "Commercial sexual activity" means any sex act or sexually  
10 explicit performance for which anything of value is given,  
11 promised to, or received by any person and includes, but is not  
12 limited to, prostitution, participation in the production of  
13 pornography, and performance in strip clubs.

14 The department of public health is directed, in cooperation  
15 with certain federal, state, and local governmental agencies  
16 and nongovernmental or community organizations, to identify  
17 and adopt existing training standards on the subject of human  
18 trafficking involving children that include curricula on  
19 recognizing human trafficking victims, culturally sensitive  
20 and age-appropriate methods for approaching and dealing with  
21 trafficking victims and affected minors, and identifying the  
22 appropriate authorities to whom to report potential cases of  
23 human trafficking. Mandatory reporter training must utilize  
24 these standards.

25 With this change in the definition of child abuse, the  
26 classes of persons required or authorized to make a report of  
27 child abuse must also make a report of suspected forced labor  
28 or services and suspected commercial sexual activity involving  
29 a child.

30 The bill makes conforming changes, including provisions  
31 relating to commencing child abuse assessments, referring  
32 reports to law enforcement, expunging data under certain  
33 conditions, and the procedures school districts and accredited  
34 nonpublic schools must use in handling child abuse reports.

35 The civil and criminal sanctions of Code section 232.75

1 apply to a person who fails to report a suspected case of  
2 child abuse or knowingly reports false information. If the  
3 department of human services issues a finding that the alleged  
4 child abuse meets the definition of child abuse, the child  
5 abuse central registry provisions of Code chapters 232 and 235A  
6 apply.